

**UNITED STATES JUDICIAL PANEL**  
**on**  
**MULTIDISTRICT LITIGATION**

**CHAIRMAN:**  
Judge John G. Heyburn II  
United States District Court  
Western District of Kentucky

**MEMBERS:**  
Judge J. Frederick Motz  
United States District Court  
District of Maryland

Judge Robert L. Miller, Jr.  
United States District Court  
Northern District of Indiana

Judge Kathryn H. Vratil  
United States District Court  
District of Kansas

Judge David R. Hansen  
United States Court of Appeals  
Eighth Circuit

**DIRECT REPLY TO:**

Jeffery N. Lüthi  
Clerk of the Panel  
One Columbus Circle, NE  
Thurgood Marshall Federal  
Judiciary Building  
Room G-255, North Lobby  
Washington, D.C. 20002

Telephone: [202] 502-2800  
Fax: [202] 502-2888  
<http://www.jpml.uscourts.gov>

June 19, 2008

**NOTICE OF HEARING SESSION**

Dear Counsel:

Pursuant to the order of the Judicial Panel on Multidistrict Litigation filed today, you are hereby notified that a hearing session has been scheduled to consider various matters pursuant to 28 U.S.C. § 1407.

DATE OF HEARING SESSION: July 31, 2008

LOCATION OF HEARING SESSION: Phillip Burton United States Courthouse  
Ceremonial Courtroom, 19th Floor  
450 Golden Gate Avenue  
San Francisco, California 94102

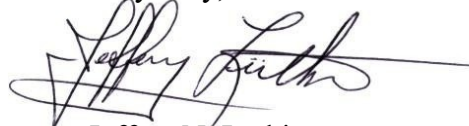
TIME OF HEARING SESSION: In those matters designated for oral argument, counsel presenting oral argument must be present at **8:30 a.m.** in order for the Panel to allocate the amount of time for oral argument. Oral argument will commence at **9:30 a.m.**

Please direct your attention to the enclosed Hearing Session Order and Schedule of Matters for Hearing Session for a listing of the matters scheduled for consideration at this hearing session.

- Section A of this Schedule lists the matters designated for oral argument.
- Section B of this Schedule lists the matters that the Panel has determined to consider **without oral argument**, pursuant to Rule 16.1(c), R.P.J.P.M.L., 199 F.R.D. 425, 439 (2001).

For those matters listed on Section A of the Schedule, the enclosed blue "Notice of Presentation or Waiver of Oral Argument" must be returned to this office no later than **July 14, 2008**. Note the procedures governing Panel oral argument which are outlined on the enclosed "Procedures for Oral Argument before the Judicial Panel on Multidistrict Litigation." These procedures are strictly adhered to and your cooperation is appreciated.

Very truly,



Jeffery N. Lüthi  
Clerk of the Panel

cc: Clerk, U.S. District Court for the Northern District of California

Jun 19, 2008

FILED  
CLERK'S OFFICE

**UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION**

**HEARING SESSION ORDER**

The Panel issues the following orders in connection with its next hearing session,

IT IS ORDERED that on July 31, 2008, the Panel will convene a hearing session in San Francisco, California, to consider the matters on the attached Schedule under 28 U.S.C. § 1407.

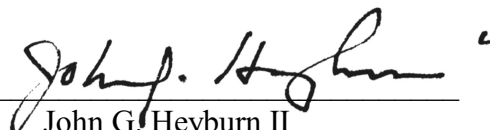
IT IS FURTHER ORDERED that the Panel may, on its own initiative, consider transfer of any or all of the actions in those matters to any district or districts.

IT IS FURTHER ORDERED that the Panel will hear oral argument on the matters listed on Section A of the attached Schedule, unless the parties waive oral argument or unless the Panel later decides to dispense with oral argument pursuant to Panel Rule 16.1(c), R.P.J.P.M.L., 199 F.R.D. 425, 439 (2001).

IT IS FURTHER ORDERED that the Panel will consider without oral argument the matters listed on Section B of the attached Schedule pursuant to Panel Rule 16.1(c). *Id.* The Panel reserves the prerogative, on any basis including submissions of parties pursuant to Panel Rule 16.1(b), to designate any of those matters for oral argument. *Id.*

IT IS FURTHER ORDERED that the Clerk of the Judicial Panel on Multidistrict Litigation shall direct notice of this hearing session to counsel for all parties involved in the matters on the attached Schedule.

PANEL ON MULTIDISTRICT LITIGATION:

  
\_\_\_\_\_  
John G. Heyburn II  
Chairman

J. Frederick Motz  
Kathryn H. Vratil

Robert L. Miller, Jr.  
David R. Hansen

SCHEDULE OF MATTERS FOR HEARING SESSION  
July 31, 2008 -- San Francisco, California

**SECTION A**  
**MATTERS DESIGNATED FOR ORAL ARGUMENT**

MDL No. 1956 -- **IN RE: TOSHIBA AMERICA HD DVD MARKETING AND SALES  
PRACTICES LITIGATION**

Motion of plaintiff Mark Risi for centralization of the following actions in the United States District Court for the District of New Jersey:

Southern District of Illinois

Bradley J. Kreisler v. Toshiba America Consumer Products, LLC, et al.,  
C.A. No. 3:08-260

Eastern District of Michigan

Jack West, et al. v. Toshiba America Consumer Products, LLC, C.A. No. 2:08-10807

District of New Jersey

Mark Risi v. Toshiba America Consumer Products, LLC, et al., C.A. No. 2:08-939  
Mitchell Kahl v. Toshiba Corp., et al., C.A. No. 2:08-1505

**MDL No. 1957 -- IN RE: AFTERMARKET FILTERS ANTITRUST LITIGATION**

Motion of plaintiff Lovett Auto & Tractor Parts, Inc., for centralization of certain of the following actions in the United States District Court for the Northern District of Illinois; motion of plaintiffs S&E Quick Lube Distributors, Inc.; Flash Sales, Inc.; William C. Bruene, etc.; T.D.S. Company, etc.; and Barjan, LLC, for centralization of certain of the following actions in United States District Court for the District of Connecticut; motion of plaintiffs Big T Inc. and Manasek Auto Parts, Inc., for centralization of certain of the following actions in the United States District Court for the Southern District of Illinois; and motion of plaintiffs Worldwide Equipment, Inc., and Central Warehouse Sales Corp. for centralization of the following actions in the United States District Court for the District of New Jersey:

District of Connecticut

S&E Quick Lube Distributors, Inc. v. Champion Laboratories, Inc., et al.,  
C.A. No. 3:08-475  
Flash Sales, Inc. v. Champion Laboratories, Inc., et al., C.A. No. 3:08-512  
William C. Bruene, etc. v. Champion Laboratories, Inc., et al., C.A. No. 3:08-522  
T.D.S. Co., Inc., etc. v. Champion Laboratories, Inc., et al., C.A. No. 3:08-528  
Barjan, LLC v. Champion Laboratories, Inc., et al., C.A. No. 3:08-534  
Packard Automotive, Inc. v. Honeywell International, Inc., et al., C.A. No. 3:08-600  
Parts Plus Group, Inc. v. Champion Laboratories, Inc., et al., C.A. No. 3:08-637  
Ward's Auto Painting & Body Works, Inc. v. Champion Laboratories, Inc., et al.,  
C.A. No. 3:08-660  
Justus Austin, III v. Honeywell International, Inc., et al., C.A. No. 3:08-711  
Francis Doll, III, et al. v. Champion Laboratories, Inc., et al., C.A. No. 3:08-718  
Gemini of Westmont, Inc., etc. v. Champion Laboratories, Inc., et al., C.A. No. 3:08-722  
Gasoline & Automotive Service Dealers of America, Inc. v. Champion Laboratories, Inc.,  
et al., C.A. No. 3:08-729

Northern District of Illinois

Lovett Auto & Tractor Parts, Inc. v. Champion Laboratories, Inc., et al.,  
C.A. No. 1:08-2046  
Neptune Warehouse Distributors, Inc. v. Champion Laboratories, Inc., et al.,  
C.A. No. 1:08-2317  
S.A.E. Warehouse, Inc. v. Champion Laboratories, Inc., et al., C.A. No. 1:08-2804  
Pawnee/S.A.E. Warehouse, Inc. v. Champion Laboratories, Inc., et al.,  
C.A. No. 1:08-2806

MDL No. 1957 (Continued)

Southern District of Illinois

Manasek Auto Parts, Inc., etc. v. Champion Laboratories, Inc., et al., C.A. No. 3:08-305  
Big T, Inc., etc. v. Champion Laboratories, Inc., et al., C.A. No. 3:08-331  
Cal's Auto Service, Inc. v. Champion Laboratories, Inc., et al., C.A. No. 3:08-351  
WWD Parts, Inc., etc. v. Champion Laboratories, Inc., et al., C.A. No. 3:08-353

District of New Jersey

Central Warehouse Sales Corp. v. Champion Laboratories, Inc., et al.,  
C.A. No. 2:08-2123  
All American Plazas of New Jersey, Inc. v. Honeywell International Inc., et al.,  
C.A. No. 2:08-2302  
Worldwide Equipment, Inc. v. Honeywell International, Inc., et al., C.A. No. 2:08-2303

Eastern District of Tennessee

Randall Bethea, et al. v. Champion Laboratories, Inc., et al., C.A. No. 2:08-126

Middle District of Tennessee

Werner Aero Services v. Champion Laboratories, Inc., et al., C.A. No. 3:08-474

MDL No. 1958 -- **IN RE: ZURN PEX PLUMBING PRODUCTS LIABILITY  
LITIGATION**

Motion of plaintiffs Denise Cox, et al., and Beverly Barnes, et al., for centralization of the following actions in the United States District Court for the District of Minnesota:

District of Minnesota

Denise Cox, et al. v. Zurn Pex, Inc., et al., C.A. No. 0:07-3652  
Jody Minnerath, et al. v. Zurn Industries, LLC, et al., C.A. No. 0:07-4849

District of North Dakota

Beverly Barnes, et al. v. Zurn Pex, Inc., et al., C.A. No. 1:07-74

**MDL No. 1959 -- IN RE: PANACRYL SUTURES PRODUCTS LIABILITY LITIGATION**

Motion of plaintiff Losanna Truxillo for centralization of the following actions in the  
United States District Court for the Eastern District of Louisiana:

Eastern District of Arkansas

James C. Bishop, et al. v. Johnson & Johnson, et al., C.A. No. 2:07-98

Central District of California

Christine L. Bledy, et al. v. Johnson & Johnson, et al., C.A. No. 2:07-3758

Eastern District of Louisiana

Losanna Truxillo v. Johnson & Johnson, et al., C.A. No. 2:07-2883

District of New Jersey

Alyssa Johnson, et al. v. Johnson & Johnson, et al., C.A. No. 3:08-930

Denise Rondot v. Johnson & Johnson, et al., C.A. No. 3:08-931

Maureen Thompson v. Johnson & Johnson, et al., C.A. No. 3:08-932

Sandra Vermilyea, et al. v. Johnson & Johnson, et al., C.A. No. 3:08-933

Eastern District of North Carolina

Lisa M. Locklear v. Johnson & Johnson, et al., C.A. No. 7:07-101

Perlene Herring v. Johnson & Johnson, et al., C.A. No. 7:08-2

**MDL No. 1960 -- IN RE: PUERTO RICAN CABOTAGE ANTITRUST LITIGATION**

Motion of plaintiff BacPlas, Inc., for centralization of certain of the following actions in the United States District Court for the Southern District of Florida and motion of plaintiff Yoly Industrial Supply, Inc., for centralization of the following actions in the United States District Court for the Southern District of Florida:

Middle District of Florida

Yoly Industrial Supply, Inc. v. Horizon Lines, Inc., et al., C.A. No. 3:08-434

Southern District of Florida

C C 1, LP v. Horizon Lines, Inc., et al., C.A. No. 1:08-21125

BacPlas, Inc. v. Horizon Lines, LLC, et al., C.A. No. 1:08-21131

Issac Industries, Inc. v. Horizon Lines, Inc., et al., C.A. No. 1:08-21151

District of Puerto Rico

Century Packing Corp. v. Horizon Lines, Inc., et al., C.A. No. 3:08-1467

**MDL No. 1961 -- IN RE: MUNICIPAL MORTGAGE & EQUITY, LLC, SECURITIES  
AND DERIVATIVE LITIGATION**

Motion of defendant Municipal Mortgage & Equity, LLC, for centralization of the following actions in the United States District Court for the Southern District of New York:

District of Maryland

F. Richard Manson, et al. v. Municipal Mortgage & Equity, LLC, et al.,  
C.A. No. 1:08-269

Paul Engel, et al. v. Municipal Mortgage & Equity, LLC, et al., C.A. No. 1:08-292

Geeta Shailam, et al. v. Municipal Mortgage & Equity, LLC, et al., C.A. No. 1:08-386

Michael J. Cirrito, et al. v. Municipal Mortgage & Equity, LLC, et al., C.A. No. 1:08-476

John J. Hufnagle, et al. v. Municipal Mortgage & Equity, LLC, et al., C.A. No. 1:08-579

William Johnston, etc. v. Mark K. Joseph, et al., C.A. No. 1:08-670

Robert Staub, etc. v. Mark K. Joseph, et al., C.A. No. 1:08-802

The Mary L. Kieser Trust, etc. v. Richard O. Berndt, et al., C.A. No. 1:08-805

MDL No. 1961 (Continued)

Southern District of New York

Joseph S. Gelmis, et al. v. Earl W. Cole, III, et al., C.A. No. 1:08-980  
Jules Rothas, et al. v. Municipal Mortgage & Equity, LLC, et al., C.A. No. 1:08-1120  
Arnold J. Ross, et al. v. Earl W. Cole, III, et al., C.A. No. 1:08-1299  
Alex D'Angelo, et al. v. Municipal Mortgage & Equity, LLC, et al., C.A. No. 1:08-1331  
Judith Greenberg, et al. v. Michael L. Falcone, et al., C.A. No. 1:08-2005  
Naomi Rapahel, et al. v. Municipal Mortgage & Equity, LLC, et al., C.A. No. 1:08-2190

MDL No. 1962 -- **IN RE: AEGON USA, INC., SUPPLEMENTAL CANCER INSURANCE  
LITIGATION**

Motion of defendants Life Investors Insurance Company of America; Transamerica Life Insurance Company; and AEGON USA, Inc., for centralization of the following actions in the United States District Court for the Eastern District of Arkansas:

Eastern District of Arkansas

Dwight Pipes, et al. v. Life Investors Insurance Co. of America, C.A. No. 1:07-35  
Denise J. Adams v. Life Investors Insurance Co. of America, C.A. No. 2:07-154

Western District of Arkansas

Vicki Mitchell v. Life Investors Insurance Co. of America, C.A. No. 4:07-4084  
Edison Runyan v. Transamerica Life Insurance Co., et al., C.A. No. 6:08-6034

Northern District of Mississippi

Lynwood N. Wright, et al. v. Life Investors Insurance Co. of America, C.A. No. 2:08-3

Western District of Pennsylvania

William E. Smith, et al. v. Life Investors Insurance Co. of America, C.A. No. 2:07-681

Middle District of Tennessee

Anthony E. Gooch v. Life Investors Insurance Co. of America, et al., C.A. No. 1:07-16



**MDL No. 1963 -- IN RE: THE BEAR STEARNS COMPANIES INC. SECURITIES,  
DERIVATIVE AND EMPLOYEE RETIREMENT INCOME  
SECURITY ACT (ERISA) LITIGATION**

Motion of defendants The Bear Stearns Companies Inc. and Alan D. Schwartz for centralization of the following actions in the United States District Court for the Southern District of New York:

Eastern District of New York

Carmela Starace v. The Bear Stearns Companies, Inc., et al., C.A. No. 1:08-1178

Southern District of New York

Samuel T. Cohen, et al. v. The Bear Stearns Companies, Inc., et al., C.A. No. 1:07-10453  
Eastside Holding, Inc. v. The Bear Stearns Companies, Inc., et al., C.A. No. 1:08-2793  
Aaron Howard, et al. v. The Bear Stearns Companies, Inc., et al., C.A. No. 1:08-2804  
Razill C. Becher v. The Bear Stearns Companies, Inc., et al., C.A. No. 1:08-2866  
Estelle Weber, et al. v. The Bear Stearns Companies, Inc., et al., C.A. No. 1:08-2870  
Anthony Pisano, et al. v. The Bear Stearns Companies, Inc., et al., C.A. No. 1:08-3006  
Greek Orthodox Archdiocese Foundation, et al. v. The Bear Stearns Companies, Inc.,  
et al., C.A. No. 1:08-3013  
Hans Menos, et al. v. The Bear Stearns Companies, Inc., et al., C.A. No. 1:08-3035  
Ira Gewirtz, et al. v. The Bear Stearns Companies, Inc., et al., C.A. No. 1:08-3089  
Drew V. Lounsbury, et al. v. The Bear Stearns Companies, Inc., et al.,  
C.A. No. 1:08-3326  
Shelden Greenberg, et al. v. The Bear Stearns Companies, Inc., et al., C.A. No. 1:08-3334  
Scott Wettersten v. The Bear Stearns Companies, Inc., et al., C.A. No. 1:08-3351  
Rita Rusin v. The Bear Stearns Companies, Inc., et al., C.A. No. 1:08-3441  
Lawrence Fink v. The Bear Stearns Companies, Inc., et al., C.A. No. 1:08-3602

**MDL No. 1964 -- IN RE: NUVARING PRODUCTS LIABILITY LITIGATION**

Motion of plaintiffs in 62 actions for centralization of the following actions in the United States District Court for the Eastern District of Missouri:

Northern District of Georgia

Carmita T. Purdiman v. Organon Pharmaceuticals USA, Inc., et al., C.A. No. 2:08-6

MDL No. 1964 (Continued)

Eastern District of Missouri

Sarah M. Jenn v. Organon International, Inc., et al., C.A. No. 4:07-1282  
Janice Mitchell-McGuire v. Organon USA, Inc., et al., C.A. No. 4:07-1524  
Robin L. Smith v. Organon International, Inc., et al., C.A. No. 4:08-292

District of New Jersey

Brianne Irons, et al. v. Organon USA, Inc., et al., C.A. No. 2:07-2802  
Kathi Pieramico v. Organon USA, Inc., et al., C.A. No. 2:07-2803  
Alyson L. Savoie v. Organon USA, Inc., et al., C.A. No. 2:07-2835  
Tiffany Barrow v. Organon USA, Inc., et al., C.A. No. 2:07-2873  
Stephanie Ferrell Merello v. Organon USA, Inc., et al., C.A. No. 2:07-2874  
Kristin Smith, et al. v. Organon USA, Inc., et al., C.A. No. 2:07-2876  
Rebecca Winder, et al. v. Organon USA, Inc., et al., C.A. No. 2:07-2877  
Laurie Scata, et al. v. Organon USA, Inc., et al., C.A. No. 2:07-2965  
Sara Brown, et al. v. Organon International, Inc., et al., C.A. No. 2:07-3092  
LaSheena Bonnee v. Organon USA, Inc., et al., C.A. No. 2:07-3262  
Kristina Michelle Buckner v. Organon USA, Inc., et al., C.A. No. 2:07-3264  
Barger P. Byrd, et al. v. Organon USA, Inc., et al., C.A. No. 2:07-3265  
Miranda Coyle, et al. v. Organon USA, Inc., et al., C.A. No. 2:07-3266  
Michele Diesselhorst-Reese v. Organon USA, Inc., et al., C.A. No. 2:07-3267  
Amanda Ebner v. Organon USA, Inc., et al., C.A. No. 2:07-3268  
Cecilia Gambale v. Organon USA, Inc., et al., C.A. No. 2:07-3269  
Shakiah Grayned v. Organon USA, Inc., et al., C.A. No. 2:07-3270  
Terry Griffith, et al. v. Organon USA, Inc., et al., C.A. No. 2:07-3300  
Donna Hampton, et al. v. Organon USA, Inc., et al., C.A. No. 2:07-3301  
Misty Jean Hawes, et al. v. Organon USA, Inc., et al., C.A. No. 2:07-3302  
Ju'Coby D. Hendricks v. Organon USA, Inc., et al., C.A. No. 2:07-3303  
Debra Kippola v. Organon USA, Inc., et al., C.A. No. 2:07-3304  
Frank Mariconda, etc. v. Organon USA, Inc., et al., C.A. No. 2:07-3305  
Sara McCarthy, et al. v. Organon USA, Inc., et al., C.A. No. 2:07-3306  
Erika Medina v. Organon USA, Inc., et al., C.A. No. 2:07-3307  
Robin C. Moore, et al. v. Organon USA, Inc., et al., C.A. No. 2:07-3308  
Jackie Nickels v. Organon USA, Inc., et al., C.A. No. 2:07-3328  
Jennifer Lynn Nolan v. Organon USA, Inc., et al., C.A. No. 2:07-3329

MDL No. 1964 (Continued)

District of New Jersey (Continued)

Pamela Ponce v. Organon USA, Inc., et al., C.A. No. 2:07-3330  
Deanna Richardson v. Organon USA, Inc., et al., C.A. No. 2:07-3331  
Paula Stamps, et al. v. Organon USA, Inc., et al., C.A. No. 2:07-3332  
Sarah Townes v. Organon USA, Inc., et al., C.A. No. 2:07-3333  
Diana L. Usher, et al. v. Organon USA, Inc., et al., C.A. No. 2:07-3334  
Lelleth Caroline Vialva v. Organon USA, Inc., et al., C.A. No. 2:07-3336  
Dawn Wagner v. Organon USA, Inc., et al., C.A. No. 2:07-3337  
Susan Eriksen, et al. v. Organon USA, Inc., et al., C.A. No. 2:07-3456  
Katherine Ho v. Organon USA, Inc., et al., C.A. No. 2:07-3457  
Keri Marie Wright v. Organon USA, Inc., et al., C.A. No. 2:07-3615  
Sharon Dow v. Organon USA, Inc., et al., C.A. No. 2:07-4380  
Charrise Bradley v. Organon USA, Inc., et al., C.A. No. 2:07-4787  
Maria San Juan v. Organon USA, Inc., et al., C.A. No. 2:07-4821  
Dana Namack v. Organon USA, Inc., et al., C.A. No. 2:07-5757  
Febbie Ziwanage, et al. v. Organon USA, Inc., et al., C.A. No. 2:07-5758  
Cynthia Mecca, et al. v. Organon USA, Inc., et al., C.A. No. 2:07-5780  
Dawn E. Leach v. Organon USA, Inc., et al., C.A. No. 2:07-5915  
Julie-Ann Tremblay, et al. v. Organon USA, Inc., et al., C.A. No. 2:07-5916  
Lois Rowe v. Organon USA, Inc., et al., C.A. No. 2:07-5933  
Katharine M. Evalul, et al. v. Organon USA, Inc., et al., C.A. No. 2:07-6165  
Stephanie Millian v. Organon USA, Inc., et al., C.A. No. 2:08-196  
Casi Danielle Vaughn v. Organon USA, Inc., et al., C.A. No. 2:08-260  
Julie M. Haupt v. Organon USA, Inc., et al., C.A. No. 2:08-388  
Heather Rae Gordon v. Organon USA, Inc., et al., C.A. No. 2:08-571  
Cynthia Thomas, et al. v. Organon USA, Inc., et al., C.A. No. 2:08-573  
Rena West v. Organon USA, Inc., et al., C.A. No. 2:08-574  
Dawn C. Timothy v. Organon USA, Inc., et al., C.A. No. 2:08-575  
Sandra L. McCullough v. Organon USA, Inc., et al., C.A. No. 2:08-849  
Krysti Michelle Zulpo v. Organon USA, Inc., et al., C.A. No. 2:08-1037  
Jamy Joy Bartelmez, et al. v. Organon USA, Inc., et al., C.A. No. 2:08-1656

**MDL No. 1965 -- IN RE: WET SEAL, INC., FAIR AND ACCURATE CREDIT  
TRANSACTIONS ACT (FACTA) LITIGATION**

Motion of defendant The Wet Seal, Inc., for centralization of the following actions in the United States District Court for the Central District of California:

Central District of California

Celine Yalenkatian v. The Wet Seal, Inc., C.A. No. 8:07-80

Western District of Pennsylvania

Alison Lampenfeld v. The Wet Seal, Inc., C.A. No. 2:08-184

**MDL No. 1966 -- IN RE: SHOULDER PAIN PUMP - CHONDROLYSIS PRODUCTS  
LIABILITY LITIGATION**

Motion of plaintiffs Jessie M. Ritchie, et al., for centralization of certain of the following actions in the United States District Court for the Eastern District of Kentucky and motion of plaintiffs Donnell Cox, et al., for centralization of the following actions in the United States District Court for the District of Oregon:

Northern District of Alabama

Paul W. Westbrook v. DJO, Inc., et al., C.A. No. 5:08-263

District of Colorado

Stacey Ann Hansen v. DJO, Inc., et al., C.A. No. 1:08-365

Southern District of Indiana

Jensen Meharg, et al. v. I-Flow Corp., et al., C.A. No. 1:08-184

Eastern District of Kentucky

Jessie M. Ritchie, et al. v. SMI Liquidating, Inc., C.A. No. 2:08-19

MDL No. 1966 (Continued)

District of Minnesota

Sean McDaniel, et al. v. I-Flow Corp., et al., C.A. No. 0:08-399

Eastern District of New York

Jack Frobes, et al. v. Stryker Corp., et al., C.A. No. 1:08-1897

District of Oregon

Christina McClellan v. I-Flow Corp., et al., C.A. No. 6:07-1309  
Gregory Turner, et al. v. Stryker Corp., et al., C.A. No. 6:07-1310  
Gordon J. Addis v. McKinley Medical, LLC, et al., C.A. No. 6:07-1318  
Caleb Huggins, et al. v. Stryker Corp., et al., C.A. No. 6:07-1671  
Travis L. Quimby v. Johnson & Johnson, et al., C.A. No. 6:08-194  
Danny E. Arvidson, et al. v. DJO, LLC, et al., C.A. No. 6:08-478  
John Eric Butler v. Stryker Corp., et al., C.A. No. 6:08-588

District of Utah

Erika Creech, et al. v. Stryker Corp., et al., C.A. No. 2:07-22

MDL No. 1967 -- **IN RE: BISPHENOL-A (BPA) POLYCARBONATE PLASTIC  
PRODUCTS LIABILITY LITIGATION**

Motion of plaintiffs Dale L. Raggio, Jr.; Ashley Campbell; Elizabeth Banse; and Sharon Hatter for centralization of the following actions in the United States District Court for the Northern District of Illinois:

Eastern District of Arkansas

Dale L. Raggio, Jr. v. Gerber Products Co., C.A. No. 4:08-403

MDL No. 1967 (Continued)

Central District of California

Naayda Lanza v. Avent America, Inc., C.A. No. 2:08-2960  
Paul Rasmussen v. Handi-Craft Co., C.A. No. 2:08-2961  
Leeanne Matusek v. Gerber Products Co., C.A. No. 2:08-2962  
Kim O'Neill v. Evenflo Co., Inc., C.A. No. 2:08-2963

Eastern District of California

Lani Felix-Lozano v. Nalge Nunc International Corp., C.A. No. 2:08-854  
Judith Thompson-Foster v. Gerber Products Co., et al., C.A. No. 2:08-1073

District of Connecticut

Ashley Campbell v. Playtex Products, Inc., C.A. No. 3:08-763

Northern District of Illinois

Elizabeth Banse v. Avent America, Inc., C.A. No. 1:08-2604

District of Kansas

Zachary Wilson, et al. v. Avent America, Inc., et al., C.A. No. 2:08-2201

Western District of Missouri

Maria Sullivan, et al. v. Avent America, Inc., et al., C.A. No. 4:08-309  
Sharon Hatter v. New Wave Enviro Products, C.A. No. 6:08-3154

Western District of Washington

Sarah Jaynes, et al. v. Avent America, Inc., et al., C.A. No. 2:08-693  
Chloe Gale, et al. v. RC2 Corp., et al., C.A. No. 2:08-702

**MDL No. 1968 -- IN RE: DIGITEK PRODUCTS LIABILITY LITIGATION**

Motion of plaintiffs Kevin Clark, et al., for centralization of certain of the following actions in the United States District Court for the District of New Jersey; motion of plaintiff Ruby I. Thrasher for centralization of certain of the following actions in the United States District Court for the Eastern District of Louisiana; and motion of plaintiff Joseph J. Novak for centralization of the following actions in the United States District Court for the Northern District of Ohio:

Middle District of Florida

Elwood Bull, et al. v. Actavis Group hf, et al., C.A. No. 2:08-396

Eastern District of Louisiana

Ruby I. Thrasher v. Actavis Group hf, et al., C.A. No. 2:08-3167  
Robert M. Becnel, et al. v. Actavis Group hf, et al., C.A. No. 2:08-3431

Western District of Missouri

Bobby White v. Actavis Totowa, LLC, et al., C.A. No. 4:08-320

District of New Jersey

Kevin Clark, et al. v. Actavis Group hf, et al., C.A. No. 2:08-2293

Northern District of Ohio

Joseph J. Novak v. Mylan Pharmaceuticals, Inc., et al., C.A. No. 1:08-1119  
Lonette Stanley v. Actavis Group hf, et al., C.A. No. 2:08-1321

Southern District of Ohio

James Heinzman v. Actavis Group hf, et al., C.A. No. 2:08-480

**MDL No. 1969 -- IN RE: ARTHUR J. GALLAGHER RISK MANAGEMENT SERVICES,  
INC., LITIGATION**

Motion of defendants James M. Fasone, Hal E. Kinsey, and Stephen L. Farr for  
centralization of the following actions in the United States District Court for the Southern  
District of Texas:

District of Colorado

Arthur J. Gallagher Risk Management Services, Inc. v. James M. Fasone,  
C.A. No. 1:08-931

Eastern District of Missouri

Arthur J. Gallagher Risk Management Services, Inc. v. Hal E. Kinsey, C.A. No. 4:08-635

Middle District of Tennessee

Arthur J. Gallagher Risk Management Services, Inc. v. Stephen L. Farr,  
C.A. No. 3:08-453

**MDL No. 1970 -- IN RE: HAWAIIAN CABOTAGE ANTITRUST LITIGATION**

Motion of plaintiff 50th State Distributors, Inc., for centralization of the following actions  
in the United States District Court for the Northern District of California:

Northern District of California

Robert H. Steinberg v. Matson Navigation Co., et al., C.A. No. 3:08-2402  
Acutron, Inc. v. Matson Navigation Co., Inc., et al., C.A. No. 3:08-2600  
50th State Distributors, Inc. v. Matson Navigation Co., Inc., et al., C.A. No. 3:08-2603

District of Oregon

Versa Dock Hawaii, LLC v. Horizon Lines, LLC, et al., C.A. No. 3:08-631



**MDL No. 1971 -- IN RE: LAWMOWER ENGINE HORSEPOWER MARKETING AND  
SALES PRACTICES LITIGATION**

Motion of plaintiffs Carl Phillips; Ronnie Phillips, et al.; and William Fritz for  
centralization of the following actions in the United States District Court for the District of New  
Jersey:

Northern District of California

Carl Phillips v. Sears, Roebuck & Co., et al., C.A. No. 4:08-2671

Southern District of Illinois

Ronnie Phillips, et al. v. Sears Roebuck & Co., et al., C.A. No. 3:06-412

District of New Jersey

William Fritz v. Sears, Roebuck & Co., et al., C.A. No. 3:08-2545

**MDL No. 1972 -- IN RE: PACIFIC OCEAN CABOTAGE ANTITRUST LITIGATION**

Motion of plaintiff Taste of Nature, Inc., for centralization of the following actions in the  
United States District Court for the Northern District of California:

Central District of California

Taste of Nature, Inc. v. Matson Navigation Co., Inc., et al., C.A. No. 2:08-3073

Taste of Nature, Inc. v. Matson Navigation Co., Inc., et al., C.A. No. 2:08-3650

Northern District of California

Robert H. Steinberg v. Matson Navigation Co., et al., C.A. No. 3:08-2402

Acutron, Inc. v. Matson Navigation Co., Inc., et al., C.A. No. 3:08-2600

50th State Distributors, Inc. v. Matson Navigation Co., Inc., et al., C.A. No. 3:08-2603

District of Oregon

Versa Dock Hawaii, LLC v. Horizon Lines, LLC, et al., C.A. No. 3:08-631

**MDL No. 1973 -- IN RE: HIP & KNEE IMPLANT MARKETING LITIGATION**

Motion of plaintiff Claire C. Haggarty for centralization of the following actions in the United States District Court for the Northern District of California:

Northern District of California

Claire C. Haggarty v. Stryker Orthopedics, et al., C.A. No. 3:08-1609  
Goldene Somerville v. Stryker Orthopedics, et al., C.A. No. 5:08-2443

Southern District of New York

Lola B. Thorpe v. Zimmer, Inc., et al., C.A. No. 1:08-3888

**MDL No. 1974 -- IN RE: COUNTRYWIDE FINANCIAL CORP. MORTGAGE LENDING PRACTICES LITIGATION**

Motion of plaintiffs Gillian Miller, et al., for centralization of the following actions in the United States District Court for the District of Massachusetts:

Central District of California

Gabriel Garcia v. Countrywide Financial Corp., et al., C.A. No. 5:07-1161

Northern District of Illinois

Sonia Jenkins v. Countrywide Home Loans, Inc., C.A. No. 1:08-2935

District of Massachusetts

Gillian Miller, et al. v. Countrywide Bank, N.A., et al., C.A. No. 1:07-11275

**SECTION B**  
**MATTERS DESIGNATED FOR CONSIDERATION WITHOUT ORAL ARGUMENT**

**MDL No. 875 -- IN RE: ASBESTOS PRODUCTS LIABILITY LITIGATION (NO. VI)**

Oppositions of certain of the plaintiffs and defendants National Services Industries, Inc.; Owens-Illinois, Inc.; Trane US, Inc.; ITT Corp.; Bell & Gossett; Lincoln Electric Co.; and Hobart Brothers Co. to transfer of their respective following actions to the United States District Court for the Eastern District of Pennsylvania:

Middle District of Alabama

Daniel R. Brown, et al. v. Albany International, et al., C.A. No. 2:08-46  
Othre E. Burnett, et al. v. Albany International Co., et al., C.A. No. 2:08-150

Central District of California

Robert Oberstar, et al. v. CBS Corp., et al., C.A. No. 2:08-118  
David Kelemen, et al. v. Buffalo Pumps, Inc., et al., C.A. No. 2:08-712  
Larry Lindquist, et al. v. Alfa Laval, Inc., et al., C.A. No. 2:08-873  
Robert Reaser, et al. v. Allis-Chalmers Corp. Product Liability Trust, et al.,  
C.A. No. 2:08-1296  
Louis Ted Kovary, et al. v. Honeywell International, Inc., et al., C.A. No. 2:08-2172

Middle District of Georgia

Jake Bradshaw v. Aventis CropScience USA, Inc., et al., C.A. No. 5:08-53

Middle District of Louisiana

Michael T. Hackler, M.D. v. P&O Ports Louisiana, Inc., et al., C.A. No. 3:08-43  
George Landess v. Baton Rouge Marine Contractors, Inc., et al., C.A. No. 3:08-81  
Michael T. Hackler, M.D. v. Greater Baton Rouge Port Commission, et al.,  
C.A. No. 3:08-82

MDL No. 875 (Continued)

Northern District of Ohio

Duane Lanham, et al. v. Eaton Corp., et al., C.A. No. 1:08-10000

Eastern District of Texas

Lorene Barton v. Kelly-Springfield Tire Corp., C.A. No. 6:08-39

Southern District of Texas

June Thomas, et al. v. BP Amoco Chemical Co., C.A. No. 3:08-26

MDL No. 1203 -- **IN RE: DIET DRUGS (PHENTERMINE/FENFLURAMINE/  
DEXFENFLURAMINE) PRODUCTS LIABILITY LITIGATION**

Oppositions of plaintiffs Nancy Knupfer and Gloria Thompson, et al., to transfer of their respective following actions to the United States District Court for the Eastern District of Pennsylvania:

Central District of California

Nancy Knupfer v. AHP Settlement Trust, Bky. Advy. No. 2:08-1092

Southern District of Mississippi

Gloria Thompson, et al. v. Herbert Lee, Jr., C.A. No. 3:08-134

**MDL No. 1578 -- IN RE: UICI "ASSOCIATION-GROUP" INSURANCE LITIGATION**

Opposition of plaintiffs Kathleen Ansley, et al., to transfer of the following action to the United States District Court for the Northern District of Texas:

Eastern District of North Carolina

Kathleen Ansley, et al. v. HealthMarkets, Inc., et al., C.A. No. 5:08-88

**MDL No. 1596 -- IN RE: ZYPREXA PRODUCTS LIABILITY LITIGATION**

Opposition of plaintiff Derrick Brown, etc., to transfer of the following action to the United States District Court for the Eastern District of New York:

Southern District of Mississippi

Derrick Brown, etc. v. Noxubee General Hospital, et al., C.A. No. 4:08-6

**MDL No. 1657 -- IN RE: VIOXX MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION**

Opposition of plaintiffs Marianne Raftis; Samuella Cadwell, et al.; Dean Santacrose; Margaret Steinhoff, et al.; Kevin Pitcher; Carolyn S. Croft; Helen Bilik, et al.; and Carol Adelberg, et al., to transfer of their respective following actions to the United States District Court for the Eastern District of Louisiana:

Southern District of New York

Marianne Raftis v. Merck & Co., Inc., C.A. No. 1:08-3067

Samuella Cadwell, et al. v. Merck & Co., Inc., C.A. No. 1:08-3068

Dean Santacrose v. Merck & Co., Inc., C.A. No. 1:08-3069

Margaret Steinhoff, et al. v. Merck & Co., Inc., C.A. No. 1:08-3074

Kevin Pitcher v. Merck & Co., Inc., C.A. No. 1:08-3075

Carolyn S. Croft v. Merck & Co., Inc., C.A. No. 1:08-3078

Helen Bilik, et al. v. Pfizer Inc., et al., C.A. No. 1:08-3280

Carol Adelberg, et al. v. Pfizer Inc., et al., C.A. No. 1:08-3291

**MDL No. 1715 -- IN RE: AMERIQUEST MORTGAGE CO. MORTGAGE LENDING  
PRACTICES LITIGATION**

Motion of defendants Ameriquest Mortgage Company and Deutsche Bank National Trust Company to transfer the following action to the United States District Court for the Northern District of Illinois:

Eastern District of Pennsylvania

Jeneta B. Wright v. Ameriquest Mortgage Co., et al., Bky. Advy. No. 2:07-372

**MDL No. 1718 -- IN RE: FORD MOTOR CO. SPEED CONTROL DEACTIVATION  
SWITCH PRODUCTS LIABILITY LITIGATION**

Oppositions of plaintiffs Laverne Jackson, et al.; ANPAC Louisiana Insurance Company; and Douglas Rule, et al., to transfer of their respective following actions to the United States District Court for the Eastern District of Michigan:

Middle District of Georgia

Laverne Jackson, et al. v. Ford Motor Co., C.A. No. 7:08-35

Middle District of Louisiana

Matthew Chapple, et al. v. Ford Motor Co., C.A. No. 3:06-286

Southern District of Mississippi

Douglas Rule, et al. v. Ford Motor Co., C.A. No. 3:08-91

**MDL No. 1721 -- IN RE: CESSNA 208 SERIES AIRCRAFT PRODUCTS LIABILITY LITIGATION**

Opposition of defendant Cessna Aircraft Co. to transfer of the following actions to the United States District Court for the District of Kansas:

Western District of Washington

Julia Schuetze, etc. v. Cessna Aircraft Co., et al., C.A. No. 2:08-330  
Heidi Lynn Barker, etc. v. Cessna Aircraft Co., et al., C.A. No. 2:08-344  
Cindy L. Atkin, etc. v. Cessna Aircraft Co., et al., C.A. No. 2:08-355  
Nadim Abdo, etc. v. Cessna Aircraft Co., et al., C.A. No. 2:08-390

**MDL No. 1726 -- IN RE: MEDTRONIC, INC., IMPLANTABLE DEFIBRILLATORS PRODUCTS LIABILITY LITIGATION**

Opposition of defendant Medtronic, Inc., to transfer of the following action to the United States District Court for the District of Minnesota:

District of New Jersey

James Schooley v. Medtronic, Inc., C.A. No. 3:08-1860

**MDL No. 1763 -- IN RE: HUMAN TISSUE PRODUCTS LIABILITY LITIGATION**

Oppositions of plaintiffs Cheryl Bowie and Rosemary Huffman, et al., to transfer of their respective following actions to the United States District Court for the District of New Jersey:

District of Alaska

Cheryl Bowie v. Medtronic, Inc., et al., C.A. No. 3:08-90

Southern District of West Virginia

Rosemary Huffman, et al. v. BioMedical Tissue Services, Ltd., et al., C.A. No. 2:08-283

**MDL No. 1770 -- IN RE: WELLS FARGO HOME MORTGAGE OVERTIME PAY  
LITIGATION**

Opposition of plaintiff Wade Hanson to transfer of the following action to the United States District Court for the Northern District of California:

Southern District of Florida

Wade Hanson v. Wells Fargo Bank, N.A., C.A. No. 9:08-80182

**MDL No. 1784 -- IN RE: MCDONALD'S FRENCH FRIES LITIGATION**

Opposition of plaintiffs Larry Cannon, et al., and Dave Havens, et al., to transfer of their respective following actions to the United States District Court for the Northern District of Illinois:

District of Maryland

Larry Cannon, et al. v. McDonald's of Salisbury II-4213, LLC, et al., C.A. No. 8:08-659

District of New Jersey

Dave Havens, et al. v. McDonald's Corp., C.A. No. 2:08-760

**MDL No. 1785 -- IN RE: BAUSCH & LOMB INC. CONTACT LENS SOLUTION  
PRODUCTS LIABILITY LITIGATION**

Opposition of plaintiff Christian M. Roberts to transfer of the following action to the United States District Court for the District of South Carolina:

Eastern District of Virginia

Christian M. Roberts v. Bausch & Lomb, Inc., C.A. No. 2:08-193



**MDL No. 1789 -- IN RE: FOSAMAX PRODUCTS LIABILITY LITIGATION**

Oppositions of plaintiffs Gloria Kopecky, et al., and Zeferina Montelongo to transfer of their respective following actions to the United States District Court for the Southern District of New York:

District of Arizona

Gloria Kopecky, et al. v. Merck & Co., Inc., et al., C.A. No. 2:08-832

Northern District of Illinois

Zeferina Montelongo v. Winterset Dental Care, P.C., et al., C.A. No. 1:08-1687

**MDL No. 1842 -- IN RE: KUGEL MESH HERNIA PATCH PRODUCTS LIABILITY LITIGATION**

Oppositions of plaintiff Homer McDowell and defendant Blount Memorial Hospital, Inc., to transfer of the following action to the United States District Court for the District of Rhode Island:

Eastern District of Tennessee

Homer McDowell v. Davol, Inc., et al., C.A. No. 3:08-90

**MDL No. 1845 -- IN RE: CONAGRA PEANUT BUTTER PRODUCTS LIABILITY LITIGATION**

Oppositions of plaintiffs Clifford Miller; Pamela Short; and Jacob Howes, et al., to transfer of their respective following actions to the United States District Court for the Northern District of Georgia:

Central District of California

Clifford Miller v. Wal-Mart Stores, Inc., et al., C.A. No. 2:08-2552

Eastern District of Kentucky

Pamela Short v. ConAgra Foods, Inc., C.A. No. 5:08-112

MDL No. 1845 (Continued)

Northern District of Ohio

Jacob Howes, et al. v. ConAgra Foods, Inc., C.A. No. 5:08-823

MDL No. 1871 -- **IN RE: AVANDIA MARKETING, SALES PRACTICES AND  
PRODUCTS LIABILITY LITIGATION**

Oppositions of plaintiffs Christa Cross, et al.; F.C. Mitchell, et al.; and Robert Cox, Sr., to transfer of their respective following actions to the United States District Court for the Eastern District of Pennsylvania:

Central District of California

Christa Cross, et al. v. SmithKline Beecham Corp., et al., C.A. No. 2:08-1965

Eastern District of California

F.C. Mitchell, et al. v. SmithKline Beecham Corp., et al., C.A. No. 2:08-542

District of New Jersey

Robert Cox, Sr. v. SmithKline Beecham Corp., C.A. No. 1:08-1699

MDL No. 1902 -- **IN RE: REFCO INC. SECURITIES LITIGATION**

Opposition of plaintiffs Kenneth M. Kryz, et al., to transfer of the following action to the United States District Court for the Southern District of New York:

District of New Jersey

Kenneth M. Kryz, et al. v. Robert Aaron, et al., C.A. No. 1:08-1902

**MDL No. 1909 -- IN RE: GADOLINIUM CONTRAST DYES PRODUCTS LIABILITY  
LITIGATION**

Oppositions of plaintiffs Lamanor Harris, et al.; Carol Moorhouse, et al.; and David L. Bennett, et al., to transfer of their respective following actions to the United States District Court for the Northern District of Ohio:

Central District of California

Lamanor Harris, et al. v. Bayer Healthcare Pharmaceuticals, Inc., et al.,  
C.A. No. 2:08-1896

Northern District of California

Carol Moorhouse, et al. v. Bayer Healthcare Pharmaceuticals, Inc., et al.,  
C.A. No. 4:08-1831

District of Idaho

David L. Bennett, et al. v. Berlex Laboratories, Inc., et al., C.A. No. 4:08-162

**MDL No. 1938 -- IN RE: VYTORIN/ZETIA MARKETING, SALES PRACTICES AND  
PRODUCTS LIABILITY LITIGATION**

Opposition of plaintiff Robert S. Levin to transfer of the following action to the United States District Court for the District of New Jersey:

District of Arizona

Robert S. Levin v. Merck/Schering-Plough Pharmaceuticals, et al., C.A. No. 2:08-360

PROCEDURES FOR ORAL ARGUMENT BEFORE THE  
UNITED STATES JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

All oral argument is governed by the provisions of Rule 16.1 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation (effective April 2, 2001). Rule 16.1(g) allows a maximum of twenty minutes for oral argument in each matter. In most cases, however, less time is necessary for the expression of all views and the Panel reserves the prerogative of reducing the time requested by counsel. Accordingly, counsel should be careful not to overstate the time requested for oral argument.

The Panel insists that counsel limit all oral argument to the appropriate criteria. See generally In re “East of the Rockies” Concrete Pipe Antitrust Cases, 302 F. Supp. 244, 255-56 (J.P.M.L. 1969) (concurring opinion) (discussion concerning criteria for transfer).

Rule 16.1 is duplicated in its entirety hereafter for your convenience.

## RULE 16.1: HEARING SESSIONS AND ORAL ARGUMENT

(a) Hearing sessions of the Panel for the presentation of oral argument and consideration of matters taken under submission without oral argument shall be held as ordered by the Panel. The Panel shall convene whenever and wherever desirable or necessary in the judgment of the Chairman. The Chairman shall determine which matters shall be considered at each hearing session and the Clerk of the Panel shall give notice to counsel for all parties involved in the litigation to be so considered of the time, place and subject matter of such hearing session.

(b) Each party filing a motion or a response to a motion or order of the Panel under Rules 7.2, 7.3, 7.4 or 7.6 of these Rules may file simultaneously therewith a separate statement limited to one page setting forth reasons why oral argument should, or need not, be heard. Such statements shall be captioned "Reasons Why Oral Argument Should [Need Not] Be Heard," and shall be filed and served in conformity with Rules 5.12 and 5.2 of these Rules.

(c) No transfer or remand determination regarding any action pending in the district court shall be made by the Panel when any party timely opposes such transfer or remand unless a hearing session has been held for the presentation of oral argument except that the Panel may dispense with oral argument if it determines that:

- (i) the dispositive issue(s) have been authoritatively decided; or
- (ii) the facts and legal arguments are adequately presented in the briefs and record, and the decisional process would not be significantly aided by oral argument.

Unless otherwise ordered by the Panel, all other matters before the Panel, such as a motion for reconsideration, shall be considered and determined upon the basis of the papers filed.

(d) In those matters in which oral argument is not scheduled by the Panel, counsel shall be promptly advised. If oral argument is scheduled in a matter the Clerk of the Panel may require counsel for all parties who wish to make or to waive oral argument to file and serve notice to that effect within a stated time in conformity with Rules 5.12 and 5.2 of these Rules. Failure to do so shall be deemed a waiver of oral argument by that party. If oral argument is scheduled but not attended by a party, the matter shall not be rescheduled and that party's position shall be treated as submitted for decision by the Panel on the basis of the papers filed.

(e) Except for leave of the Panel on a showing of good cause, only those parties to actions scheduled for oral argument who have filed a motion or written response to a motion or order shall be permitted to appear before the Panel and present oral argument.

(f) Counsel for those supporting transfer or remand under Section 1407 and counsel for those opposing such transfer or remand are to confer separately prior to the oral argument for the purpose of organizing their arguments and selecting representatives to present all views without duplication.

(g) Unless otherwise ordered by the Panel, a maximum of twenty minutes shall be allotted for oral argument in each matter. The time shall be divided equally among those with varying viewpoints. Counsel for the moving party or parties shall generally be heard first.

(h) So far as practicable and consistent with the purposes of Section 1407, the offering of oral testimony before the Panel shall be avoided. Accordingly, oral testimony shall not be received except upon notice, motion and order of the Panel expressly providing for it.

(i) After an action or group of actions has been set for a hearing session, consideration of such action(s) may be continued only by order of the Panel on good cause shown.